

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

TAM TRAN,

Plaintiff,

v.

DEPARTMENT OF LICENSING,

Defendant.

CASE NO 3:22-cv-05926-BHS

ORDER

THIS MATTER is before the Court on Magistrate Judge David W. Christel's Report and Recommendation ("R&R"), Dkt. 4, recommending that this Court deny pro se Plaintiff Tam Tran's Motion for Leave to proceed *in forma pauperis*, Dkt. 1, and dismiss this action without prejudice for failure to state a claim.

A district judge must determine de novo any part of a magistrate judge's proposed disposition to which a party has properly objected. The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions. Fed. R. Civ. P. 72(b)(3). A proper objection requires specific written objections to the findings and recommendations in the R&R. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Objections

1 to an R&R are not a vehicle to relitigate the same arguments carefully considered and
2 rejected by the magistrate judge. *See, e.g., Fix v. Hartford Life & Accident Ins. Co.*, CV
3 16-41-M-DLC-JCL, 2017 WL 2721168, at *1 (D. Mont. June 23, 2017) (collecting
4 cases). Tran has not objected or otherwise responded.

5 Tran's proposed complaint, Dkt. 1-1, alleges that Defendant Washington State
6 Department of Licensing violated his constitutional rights in 2015 when they suspended
7 his license and required him to place an ignition interlock device in his vehicle. Judge
8 Christel determined that Tran's complaint is fatally flawed because the Department of
9 Licensing is not a viable defendant for Tran's 42 U.S.C. § 1983 claim, as it is not a
10 "person." Tran has not identified any person who personally participated in any
11 constitutional deprivation, and his claims are facially time-barred. *See* Dkt. 4. The R&R
12 also concludes that Tran cannot amend his complaint to state a plausible claim.

13 The R&R is **ADOPTED**, Tran's application to proceed *in forma pauperis* is
14 **DENIED**, and this matter is **DISMISSED without prejudice**.

15 The Clerk shall enter a JUDGMENT and close the case.

16 IT IS SO ORDERED.

17 Dated this 10th day of January, 2023.

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20 BENJAMIN H. SETTLE
21 United States District Judge
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